

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 268 – SB 192

February 23, 2009

SUMMARY OF BILL: Establishes that only petitioners who are found to be victims of domestic violence are exempt from paying costs associated with filing an order of protection.

ESTIMATED FISCAL IMPACT:

**Increase State Revenue - \$53,500/General Fund
\$112,800/Dedicated Funds**

Increase Local Revenue - \$1,014,200

Assumptions:

- There will be no impact to the caseloads of the state and local court systems.
- The court clerks will be able to collect fees, taxes and costs for orders of protection that are dismissed or withdrawn.
- Based on data collected from county agencies, it is estimated that there are approximately 10,000 orders of protection dismissed or withdrawn each year at the request of the petitioner.
- While the costs associated with orders of protection vary from county to county, the costs are estimated to be \$168.63 per order filed. Of this amount, \$23.75 is the state privilege tax on litigation, leaving \$144.88 in county costs and fees.
- It is estimated that 70 percent of costs are recoverable. The remaining 30 percent is assessed to petitioners who are indigent or otherwise unable to pay.
- Local revenue is estimated to increase approximately \$1,014,160 (10,000 x \$144.88 x 70%)
- State revenue is estimated to increase approximately \$166,250 (10,000 x \$23.75 x 70%)
- The state privilege tax revenue (\$166,250) is earmarked to the general fund and other dedicated funds as follows:
 - \$53,450 (32.1502%) to the General Fund
 - \$53 (.032%) to the Tennessee Corrections Institute

- \$5,540 (75% of 4.443%) to the Department of Education
- \$1,847 (25% of 4.443%) to the Department of Safety
- \$1,089 (.6553%) to the State Court Clerks Conference
- \$1,397 (.8406%) to the Victims of Crime Assistance Fund
- \$39,903 (24.002%) to the Criminal Injuries Compensation Fund
- \$2,287 (1.3755%) to the Victims of Drunk Drivers Compensation
- \$6,260 (3.7653%) to the Criminal Indigent Defense Fund
- \$919 (.5529%) to the Administrative Offices of the Court
- \$32,070 (19.2902%) to the Public Defender Program
- \$12,419 (7.4701%) to the Civil Legal Representation of Indigents
- \$3,833 (2.3056%) to the General Fund for Grants to Local Gov't.
- \$570 (.3426%) to the Sex Offender Treatment Fund
- \$4,613 (2.7747) for Driver Education in Public Schools

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/kml